

(First published in The Derby Reporter September 19, 2003)

ORDINANCE NO. 45-794

AN ORDINANCE OF THE CITY OF WICHITA PERTAINING TO RESIDENCY REQUIREMENTS FOR CERTAIN BOARDS AND COMMISSIONS: AMENDING SECTIONS 2.12.010, 18.04.020, AND 22.04.150 OF THE CODE OF THE CITY OF WICHITA; AND REPEALING THE ORIGINAL OF SAID SECTIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

SECTION 1. Section 2.12.010 of the code of the City of Wichita, Kansas, is hereby amended to read as follows:

Section 2.12.010 Policies for boards and commissions--Minimum standards of conduct and qualifications of appointive members of boards and commissions.

The following rules and regulations shall govern the qualifications and conduct of members appointed to the regulatory and advisory boards and commissions of the city, except as provided hereinafter:

(1) All persons appointed to any board or commission shall be residents of the city or shall reside within the territory subject to the jurisdiction of the respective board or commission, except in the case of members of the technical boards hereafter identified. Persons appointed to the Board of Electrical Appeals, the Board of Code Standards and Appeals, the Board of Appeals of Air Conditioning, Refrigeration and Warm Air Heating, the Board of Appeals of Plumbers and Gas Fitters, or the successors thereof, shall not be subject to residency requirements,

provided that non-residents shall not make up more than two members less than a quorum of any such

technical board, and provided further, that any non-resident member shall maintain a City-issued certificate or license pertaining to a trade covered by the board on which the non-member serves.

(2) No person regularly employed on a full-time basis by the city shall be appointed to any board or commission except in the case of members of the personnel advisory board and the employee retirement board.

(3) No member of the immediate family of any member of the city council shall be appointed to a city board or commission.

(4) No person shall be appointed for service as a member of more than one board or commission of the city at the same time; provided, that persons selected to serve on the citizens advisory committee for the workable program for community improvement shall be exempt from the provisions of this subsection.

(5) No person shall be appointed to any board or commission who has served for eight consecutive years on such same board or commission unless two years have elapsed since the last service. Provided, that service prior to July 1, 1987, shall not be counted in determining eligibility for appointment under this provision.

(6) Except when otherwise required by statute, as nearly as practicable, fifty percent of all members of city boards and commissions shall be public members whose business or professions are not related directly to the affairs conducted by the board or commission to which such persons are appointed.

(7) Voting. All city boards and commissions shall discharge the responsibility of their appointive office and shall vote on all matters coming before the board or commission, except in those particular cases of conflict of interest approved by the presiding officer, in which case a member may request permission and may be authorized to pass his vote. Unless a member of the board or commission votes audibly to the contrary, or unless a member of the board or commission is granted permission by the presiding officer to pass his vote on a particular matter, his silence in voting shall be recorded as an affirmative vote.

(8) Conflict of Interest. Each board or commission member of the city shall refrain from violating any of the statutes of the state (K.S.A. 75-4301, et seq.) which regulate conflicts of interest of public officers and employees, where such statutes are applicable to the board or commission members.

(9) Public Participation. It is the policy of the city to allow public participation on items coming before each board and commission in open meeting. Following the presentation of each item on the agenda, the matter shall be opened for discussion from the floor by members of the public. Each public member shall be subject to a limitation of five minutes for each presentation unless extended by a vote of the majority of the board or commission. The presiding officer shall have the discretion to reasonably limit public comment where such presentation is exercised in a dilatory manner, is unduly repetitious or is not pertinent to the agenda item. Such time standards shall not be construed to restrict public discussion or hearings where otherwise controlled by ordinance or state or federal law. Rules of decorum as provided in this code for members of the public before the city council shall be observed where appropriate. Any members of the public shall be allowed to submit items for the agenda, except for items pertaining to personnel,

litigation, and other matters subject to executive session. Members of the public desiring to so present matters to the board or commission shall submit a request in writing stating the name of the individual(s) desiring to be heard and the matter to be presented, which request shall be submitted in the time and matter provided by such board or commission for placing items on its agenda. Items for the agenda unusually detailed or complicated, thus requiring more than five minutes for presentation, may be presented in writing prior to the meeting to allow for duplication and distribution to the board or commission.

SECTION 2. Section 18.04.020 of the code of the City of Wichita, Kansas, is hereby amended to read as follows:

Section 18.04.020 Board of Code Standards and Appeals - created - duties

(a) In order to determine the suitability of alternate materials and types of construction, and to provide for reasonable interpretations of the provisions of this building code, hear and decide appeals of orders, decisions, or terminations made by the building official (superintendent of central inspection) relative to the application and interpretations of this code, there is created a board of code standards and appeals consisting of nine members who are qualified by experience and training to pass upon matters pertaining to building construction. The board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. The board is also constituted to act in an advisory capacity to the city council in the amending and revision of the housing code Chapter 20.04 of the code), to act as a board of appeals from the hearings conducted by the superintendent of central inspection under the housing code, to act as the agent of the superintendent of central inspection in hearings as provided in Section 20.04.180 of this code, and to act in an advisory capacity to the city council in condemnation hearings of dangerous and

unfit buildings (Chapter 18.16 of this code). The board of code standards and appeals is designated as the successor to all powers and duties previously vested in the board of examiners and appeals and the board of housing standards and appeals and all reference to such boards in this code is deemed to be reference to the board of code standards and appeals.

(b) The board shall consist of two licensed architects, one licensed structural engineer, three contractors (one from each of Classes A, B, and C), and one representative from real estate appointed by the city council. The architects and the engineer shall be licensed by the state to practice their respective professions in the state. The city manager shall appoint two members from the public-at-large. The nine members named above shall not be employees of the city. The central inspection superintendent shall be an ex officio member and serve as secretary to the board but shall have no vote on the board. The mayor, with approval of the city council, shall designate and appoint the members.

(c) The terms of office shall be as set forth in Section 2.12.020(1).

(d) The board may make an annual review of the building code and shall recommend to the city council for adoption of such changes in the code as are necessary to be consistent with modern methods of construction.

(e) Any person whose application for a building permit for the use of an alternate material or type of construction which has been refused by the building official or who may consider that the provisions of this building code do not cover the point raised, or that any particular provision causing manifest injury to be done, may appeal to the board of code standards and appeals by serving notice on the building official, which shall state that the appellant desiring to use the alternate materials or types of construction shall guarantee payments of all expenses and appeals. Such notice shall be at once transmitted to the board, which board

shall arrange for a hearing on the particular point raised. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the city council such new legislation as is consistent therewith.

SECTION 3. Section 18.04.020 of the code of the City of Wichita, Kansas, is hereby amended to read as follows:

Section 22.04.150 Board of Appeals--Qualifications and appointment of members.

The contractor and journeyman members of board of appeals shall, in the first instance, be those who have been established in their respective business so as to be qualified to obtain their certificates and licenses as provided in Section 22.04.200. The mechanical engineer and architect members shall be licensed by the state to engage in business in their respective fields and be independently engaged in business and not in the employ of an air conditioning, refrigeration or warm air heating contractor. All members shall be appointed by the mayor and approved by the city council members.

SECTION 4. The originals of Sections 2.12.010, 18..04.020 and 22.04.150 of the Code of the City of Wichita, Kansas, are hereby repealed

SECTION 5. This Ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this date September 16, 2003.

Carlos Mayans, Mayor

ATTEST:

Pat Graves, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney